

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 19585 of 2006(F)

PETITIONER:

ASHWIN KASHYAP, S/O.SHRI.V.S.KASHYAP,
RESIDING AT 355, 16TH MAIN, 33RD CROSS,
4TH 'T' BLOCK, JAYANAGAR,
BANGALORE – 560 041, PROPRIETOR,
M/S.ASHCOAT, PLOT NO.477C,4TH PHASE PEENYA INDUSTRIAL AREA,
BANGALORE-560 058,REPRESENTED BY POWER OF
ATTORNEY HOLDER SRI. H.S.NAGARAJ,
S/O.SRI.SUBBARAO,AGED 48 YEARS, RESIDING AT 1233,
"SANTHRUPTY", HESARGHATTA ROAD, T.D.HALLI.
BANGALORE-560 057.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL
SRI.BINOY VASUDEVAN

RESPONDENTS:

1. M/S.AUTOCAST LTD., S.N.PURAM,
CHERTHALA, ALAPPUZHA DISTRICT,
PIN-688 582.
2. THE MANAGER (MATERIALS),
M/S.AUTOCAST LTD., S.N.PURAM, CHERTHALA,
ALAPPUZHA DISTRICT, PIN-688 582.

BY ADV. SRI.B.S.KRISHNAN (SR.)
SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

KSS

WPC.NO.19585/2006 F

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1: COPY OF THE REPRESENTATION DTD. 13/04/05
SUBMITTED BY THE PETITIONER BEFORE THE
1ST RESPONDENT.**

EXT.P2: DO.....DATED 3/05/2005.

EXT.P3: DO..... DATED 19/05/2005.

EXT.P4: DO..... DATED 8/07/2005.

**EXT.P5: COPY OF LAWYER'S NOTICE DTD. 14/09/05 SENT ON BEHALF
OF THE PETITIONER TO THE RESPONDENT COMPANY.**

**EXT.P6: COPY OF THE REPRESENTATION DTD. 19/07/06 SENT BY
THE PETITIONER TO THE RESPONDENT COMPANY.**

/TRUE COPY/

P.S.TO JUDGE

KSS

ANTONY DOMINIC, J.

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W.P.(C) No. 19585 OF 2006 F
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Dated this the 26th September, 2007

J U D G M E N T

The prayer in the writ petition is to direct the 1st respondent to make payment of the amounts due to the petitioner for the goods supplied by him. It is stated by the Standing Counsel for the 1st respondent that the company has been registered as a sick industrial company in terms of the Sick Industrial Companies (Special Provisions) Act, 1985. If the Company has been registered as a sick industrial company, it is entitled to the protection under Section 22 of the aforesaid Act. If that be so, no action can be initiated or continued for realisation of any amount from the 1st respondent exempt with the consent of the BIFR.

Therefore, the writ petition is only to be dismissed and I do so.

ANTONY DOMINIC
JUDGE

jan/-